

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, ' 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Island Creek Coal Company
Facility Name:	VP No. 3
Facility Location:	Route 83, Vansant, Buchanan County, Virginia
Registration Number:	10352
Permit Number:	SWRO10352

May 31, 2002
Effective Date

May 31, 2007
Expiration Date

Robert G. Burnley
Director, Department of Environmental Quality

May 31, 2002
Signature Date

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I. Facility Information

Permittee

Island Creek Coal Company
P.O. Drawer L
Oakwood, VA 24631

Responsible Official

Barry D. Dangerfield
Vice-President, Virginia Operations

Facility

VP No. 3
Route 83, Vansant, Buchanan County, Virginia

Contact person

Gerald F. Ramsey
Group Leader - EQC
(540) 498 - 8351

Facility Identification Number: 51-027-00009

Facility Description: SIC Code: 1222 - Bituminous Coal Underground Mining - Coal Preparation
Plant - Coal is cleaned and dried prior to shipment by railcar.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled
S001	Z01	Feeder to Rotary Breaker	1000 TPH	Full Enclosure	D001	PM/PM-10
S002A	Z01	Rotary Breaker	1000 TPH	Full Enclosure	D001	PM/PM-10
S002B	Z01	Crusher	300 TPH	Full Enclosure	D001	PM/PM-10
S003	Z01	Rotary Breaker to Conveyor No. 1	750 TPH	Full Enclosure	D001	PM/PM-10
S004	Z01	Conveyor No. 1 to Raw Coal Silo	750 TPH	Full Enclosure	D002	PM/PM-10
S005	Z01	Raw Coal Silo to Conveyor No. 2	750 TPH	Full Enclosure	D002	PM/PM-10
S006	Z01	Conveyor No. 2 to Preparation Plant	750 TPH	Full Enclosure	D003	PM/PM-10
S007C	P002	Thermal Dryer	500 TPH	Venturi Wet Scrubber	D004	PM, PM-10, SO ₂ , NO ₂
S008	Z01	Conveyor No. 3 to Conveyor No. 4	600 TPH	Full Enclosure	D005	PM/PM-10
S009	Z01	Conveyor No. 4 to Clean Coal Stockpile	600 TPH	Water Spray	D006	PM/PM-10
S010	Z01	Clean Coal Stockpile	0.8 Acres	Water Spray	D006	PM/PM-10
S011	Z01	Dozer Grading Clean Coal Stockpile	600 TPH	Water Spray	D006	PM/PM-10
S012	Z01	Dozer Loading Stockpile Hopper	300 TPH	Water Spray	D006	PM/PM-10
S013	Z01	Stockpile Hopper to Conveyor No. 4	300 TPH	Partial Enclosure	D007	PM/PM-10
S014	Z01	Conveyor No. 4 to Conveyor No. 5	550 TPH	Full Enclosure	D005	PM/PM-10
S015	Z01	Conveyor No. 5 to Rail Car Loadout	550 TPH	Partial Enclosure	D008	PM/PM-10

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled
S017	Z01	Rail Car Loading through Telescopic Chute	550 TPH	Telescopic Chute	D009	PM/PM-10
S018	Z01	Crusher to Conveyor No. 6	300 TPH	Full Enclosure	D001	PM/PM-10
S019	Z01	Conveyor No. 6 to Refuse Bin	300 TPH	Partial Enclosure	D010	PM/PM-10
S020	Z01	Conveyor No. 6 to Conveyor No. 7	300 TPH	Partial Enclosure	D010	PM/PM-10
S021	Z01	Conveyor No. 7 to Mountain Top Refuse Bin	300 TPH	Partial Enclosure	D011	PM/PM-10
S022	Z01	Loading Refuse Trucks through Stationary Chute	300 TPH	Stationary Chute	D012	PM/PM-10
S023	Z01	Truck Dumping Refuse onto Ground	300 TPH	N/A	N/A	N/A
S024	Z01	Dozer Grading Refuse Pile	300 TPH	N/A	N/A	N/A
S025	Z01	Refuse Bin Chute Dumping onto Ground	300 TPH	N/A	N/A	N/A
S026	Z01	Loading Refuse Trucks by Endloader	300 TPH	N/A	N/A	N/A
S027	Z01	Dozer Loading Stockpile Loadout Feeder	250 TPH	Partial Enclosure	D014	PM/PM-10
S028	Z01	Feeder to Stockpile Loadout	250 TPH	Partial Enclosure	D015	PM/PM-10
S029	Z01	Rail Car Loading through Stationary Chute	250 TPH	Stationary Chute	D016	PM/PM-10
S030	Z01	Unpaved Roads	72,927 VMT	Water Spray	D017	PM/PM-10

III. Thermal Dryer Requirements - Unit ID# S007C

A. Limitations

1. Visible emissions from the thermal dryer shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity.
(9 VAC 5-80-110 and 9 VAC 5-40-80)
2. Emissions from the operation of the thermal dryer shall not exceed the limits specified below:

Particulate Matter	105 lbs/hr	(9 VAC 5-40-1980)
(9 VAC 5-80-110)		

B. Monitoring and Recordkeeping

1. Cyclones: An annual inspection shall be conducted on each cyclone by the permittee to insure structural integrity.
2. Scrubbers: The permittee shall install, calibrate, maintain and continuously operate the following:
 - a. A monitoring device for the measurement of the temperature of the gas at the exit of the thermal dryer. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit.
 - b. A monitoring device for the measurement of the pressure loss through the venturi constriction of the control equipment.
 - c. A monitoring device for the measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.
(9 VAC 5-80-110)
3. The permittee shall visually observe the thermal dryer exhaust stack at least once each calendar week to determine the presence of visible emissions while operating (does not include condensed water vapor/steam). If during the observation, visible emissions are observed, then a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20%, the VEE shall be conducted for a total of 60 minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. The record of each visible emission observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22, or Method 9, whichever is

appropriate. The record shall include, at a minimum, the date, time name of the emission unit, the applicable emissions requirements, the results of the observation and the name of the observer.

(9 VAC 5-80-110)

4. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
 - a. The monthly and annual production of dried coal. The annual production shall be calculated as the sum of each consecutive 12-month period.
 - b. The hours of operation of the thermal dryer. The annual hours of operation shall be calculated as the sum of each consecutive 12-month period.
 - c. The log of weekly visible emission observations and the results of all VEEs for the thermal dryer as required in Condition III.B.3.
 - d. The log of annual inspections for the cyclone.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110)

IV. Facility Wide Conditions

A. Limitations

Visible emissions from all the coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity.

(9 VAC 5-80-110 and 9 VAC 5-40-80)

B. Monitoring

The permittee shall visually observe the coal processing equipment at least once each calendar week to determine which operating emissions units have visible emissions (does not include condensed water vapor/steam). If visible emissions are observed during these required observations, visible emission evaluations (VEE) in accordance with 40 CFR 60, Appendix A, Method 9, shall be conducted on those units with visible emissions. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20%, the VEE shall be conducted for a total of 60 minutes. A Method 9 evaluation shall not be required if the visible emission condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22, or Method 9, whichever is

appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emission requirement, the results of the observation and the name of the observer.
(9 VAC 5-80-110)

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
 - a. The log of weekly visible emission observations and the results of all VEEs for the coal processing equipment as required in Condition IV.B.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110)

D. Testing

1. Upon request of the Department, the owner shall conduct emission tests in accordance with procedures approved by Department. Upon request from the Department, the owner shall provide emission testing facilities as follows:
 - a. Sampling ports adequate for test methods as applicable.
 - b. Safe sampling platforms.
 - c. Safe access to sampling platforms.
 - d. Utilities for sampling and testing equipment.

(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
NO _x	EPA Method 7, 7E
SO ₂	EPA Method 6, 6B
CO	EPA Method 10
PM/PM ₁₀	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
INS-01	Storage Tanks	5-80-720 B.2.	VOC	N/A
INS-02	Emergency Dryer Bypass	5-80-720 B	VOC, NO _x , SO ₂ , PM, PM-10, CO	N/A
INS-03	Rock Dust Silo	5-80-720 B.1.	PM, PM-10	N/A
INS-04	Magnetite Silo	5-80-720 B.1.	PM, PM-10	N/A
INS-05	Thermal Dryer Pre-igniter	5-80-720 B	VOC, NO _x , SO ₂ , PM, PM-10, CO	N/A
S007A	Froth Flotation	5-80-720 B.2.	VOC	N/A
S007B	Vacuum Filtration System	5-80-720 B.2.	VOC	N/A
S007D	Thickener	5-80-720 B.2.	VOC	N/A
S016	Rail Car Loadout Sprays	5-80-720 B.2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shield shall alter the provisions of ' 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to ' 114 of the federal Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted to the Department by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal

permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, a deviation means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as DEQ may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)

U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours of any deviations which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to General Condition VII.C.3, of this permit.

(9 VAC 5-80-110 F.2)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.

(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

- 2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.

(9 VAC 5-80-110 H)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

- 1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- 2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
 4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
 5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-40-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-40-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such

period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)